

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHARLES E. BROWN,  
Plaintiff

Civil Action No. 1:CV-00-1224

vs.

COUNTY OF SCHUYLKILL,  
SCHUYLKILL COUNTY PRISON  
SCHUYLKILL COUNTY PRISON  
BOARD MEMBERS,  
FRANCIS V. McANDREW,  
FORREST L. SHADLE,  
JEROME P. KNOWLES,  
STANLEY H. TOBASH,  
DAVID J. KURTZ,  
GERALD BRITTON,  
EUGENE BERDANIER,  
WILLIAM E. BALDWIN,  
and ANTHONY KANKOWSKI,

Defendants

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**FILED  
SCRANTON**

MAR 12 2001

PER [Signature]  
DEPUTY CLERK

**AFFIDAVIT OF DAVID J. KURTZ**  
**IN SUPPORT OF MOTION OF DEFENDANTS,**  
**COUNTY OF SCHUYLKILL, ET AL., TO DISMISS THE COMPLAINT**  
**OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

COMMONWEALTH OF PENNSYLVANIA:

: SS.

COUNTY OF SCHUYLKILL

:

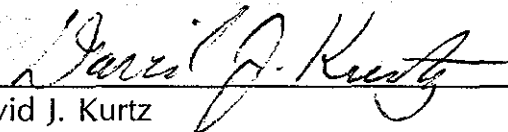
David J. Kurtz being duly sworn according to law, deposes and says that:

1. I am the former Warden of Schuylkill County Prison, having served in that capacity until my resignation on April 9, 1999.
2. Since April 9, 1999, I have had no involvement, participation, contact or communication with the prison generally or with regard to the plaintiff, Charles E. Brown, specifically.
3. Prior to April 9, 1999, I was aware only that an Charles E. Brown was a resident of the prison and had no contact or communication with or about Mr. Brown at any time or in any manner.

4. During my tenure as Warden at the Schuylkill County Prison, there was a grievance policy in effect, which was set forth and delineated in the Resident's Handbook, which is provided to each resident upon admission. A true and correct copy of the pertinent provisions of the Resident's Handbook relative to the grievance provisions are attached hereto Exhibit "A".

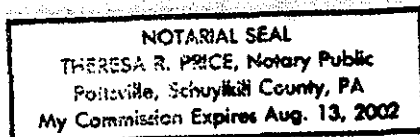
5. A grievance or complaint may be presented to any staff or correctional officer on an "Inmate Request to Staff Member" form or in any other written form. No specific form or format was required for the submission of a grievance.

6. At no time during my tenure as Schuylkill County Warden did Mr. Brown submit any grievance, writing, request or any written or oral communication relative to the prison conditions alleged in his Complaint.

  
\_\_\_\_\_  
David J. Kurtz

Sworn to and subscribed :  
before me this 8<sup>TH</sup> day :  
of March, 2001. :

  
\_\_\_\_\_  
NOTARY PUBLIC



**SCHUYLKILL**

**COUNTY**

**PRISON**



**RESIDENT**

**RULES AND REGULATIONS**

**POTTSVILLE, PENNSYLVANIA 17901**

**REVISED: 1/25/96**

## 9. Communication and Grievance Procedure

A. The following procedures have been established to insure that all inmates have the opportunity for formal communication with members of the Prison Administration.

B. All communications of an official nature are to be submitted in accordance with the guidelines listed below.

C. The Prison Administration encourages meaningful communication and will not tolerate communication of an obscene, disrespectful, threatening, frivolous or harassing nature. Such behavior will result in your being written up for a misconduct and/or criminal prosecution where appropriate.

D. **Resolving routine problems:** You are directed to follow these steps in resolving routine problems:

- a. consult with the officer supervising your housing unit or work detail.
- b. consult with the Supervisor.
- c. request permission for an Inmate Request Form.

E. **Emergency Communication:** Routine procedures are suspended for emergency purposes. In such cases, consult the nearest staff member available.

### F. Routine Communication:

Inmate Request Form: This form alerts the staff member to whom it is directed that you wish to consult him/her on a specific matter.

You are required to state the nature of your request and all relevant information.

The form provides for the staff member's written response which will be forwarded to you in the event an interview with the staff member is not necessary.

G. **Grievance Procedure:** This can be handled by requesting an Inmate Request Form and send it out to the appropriate member of staff.

Note: Appeals to disciplinary actions must be in writing to the Warden.

## 10. Visiting Procedures

Visiting privileges are granted to all inmates in accordance with the regulations established below:

### A. Visitation Types:

— Professional visits — Visits by clergy, attorneys, law

enforcement professionals, etc. are permitted during the week (Monday-Friday) between 8 AM — 4 PM.

— Family visits — Family or friends can visit on the inmates designated day. Each visit is 30 minutes. The inmate can contact anyone wishing to visit and inform them of what day his/her visiting is allowed.

### B. General Provisions:

- All visitors must be 18 years of age or older, except for inmates immediate children. Children must be supervised by an adult.
- Visitors on parole or probation or out on bail are forbidden to visit unless prior approval has been given by Warden or Deputy Warden.
- Inmates are not permitted to take any articles to or from the visiting area. Any articles to be sent out must be taken care of the morning of visiting during the week.
- Visitors may bring only items approved on list posted. If any questions, they are to ask the Correctional Officer.
- Visitors may be required to produce some form of valid identification and are required to register prior to visit.
- Visits are to be conducted so as not to disturb others in the area. Loud, boisterous, profane, and/or obscene conduct will not be tolerated.
- Visitors are subject to full search procedure at all times while on Prison property. This includes vehicles and packages.
- Visitors are subject to all laws and regulations regarding contraband, escape and general conduct. Serious violations may result in criminal prosecution and/or restriction of visiting status. Indications of criminal activity will result in the visitor being detained on premises pending arrival of police.
- Visitors will not be admitted if, in the opinion of prison staff, they are intoxicated, under the influence of drugs or their presence disrupts visiting procedure.
- Normal visitation procedures may be suspended indefinitely during any state of emergency.

## 11. Financial Accounts

A. Upon your arrival, any cash in your possession will be maintained in a Prison Account. Negotiable instruments, checks, credit cards, etc. will be maintained with your personal effects or locked up out front in office. **You are not permitted**